

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

## CIVIL MINUTE ENTRY

<b>BEFORE:</b>	Lee G. Dunst U.S. MAGISTRATE JUDGE Deputy: Chelsea Tirado
<b>DATE:</b>	October 4, 2024
<b>TIME:</b>	12:00PM
<b>FORMAT:</b>	<input type="checkbox"/> In Person <input type="checkbox"/> Video Conference <input checked="" type="checkbox"/> Telephone Conference
<b>DOCKET NUMBER(S):</b>	21-CV-5400 (GRB)(LGD)
<b>NAME OF CASE(S):</b>	Barahona et. al. v. Paradise Tree Service & Landscape, Corp. et. al.
<b>FOR PLAINTIFF(S):</b>	Steven John Moser
<b>FOR DEFENDANT(S):</b>	William Nieto, pro se
<b>NEXT CONFERENCE(S):</b>	N/A
<b>FTR/COURT REPORTER:</b>	12:03-12:17, via Zoom Teleconference

**RULINGS FROM STATUS CONFERENCE:**

Case called. Counsel for Plaintiff and pro se defendant present.

For the reasons stated on the record, the joint pretrial order at DE [73] is APPROVED. The case is trial ready. The parties shall advise the Court by 10/31/2024 regarding dates that they are available for trial in 2025. Additionally, the undersigned recommends that the motion at DE [71] be GRANTED IN PART and DENIED IN PART. The undersigned recommends that the motion to strike at DE [71] be GRANTED, and that the answer at DE [6] be stricken. The undersigned recommends that the motion for default judgment against Defendant Paradise Tree Service & Landscape, Corp. at DE [71] be DENIED WITHOUT PREJUDICE.

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b)(2), the parties shall have fourteen (14) days from service of this Report and Recommendation to file written objections. *See also* Fed. R. Civ. P. 6(a) & (d) (addressing computation of days). Any requests for an extension of time for filing objections must be directed to Judge Brown. FAILURE TO FILE TIMELY OBJECTIONS SHALL CONSTITUTE A WAIVER OF THOSE OBJECTIONS BOTH IN THE DISTRICT COURT AND ON LATER APPEAL TO THE UNITED STATES COURT OF APPEALS. *See Thomas v. Arn*, 474 U.S. 140, 154-55 (1985); *Frydman v. Experian Info. Sols., Inc.*, 743 F. App'x 486, 487 (2d Cir. 2018); *McConnell v. ABC-Amega, Inc.*, 338 F. App'x 24, 26 (2d Cir. 2009); *F.D.I.C. v. Hillcrest Assocs.*, 66 F.3d 566, 569 (2d Cir. 1995).

**SO ORDERED**

/s/ Lee G. Dunst  
LEE G. DUNST  
United States Magistrate Judge